

1	UNITED STATES DISTRICT COURT
2	NORTHERN DISTRICT OF CALIFORNIA
3	
4	SCOTT JOHNSON,
5	PLAINTIFF,
6	v.
7	COUNTRY CLUB VILLA SHOPPING CENTER, LLC,
8	
9	v.
10	HONG ZHENG, ET AL.,
11	
12	v.
13	TONG & TUNG PROPERTIES, LLC, ET AL.,
14	
15	v.
16	EK FOOD SERVICES, INC.,
17	DEFENDANTS.
18	
19	BRIAN WHITAKER,
20	PLAINTIFF,
21	
22	v.
23	L & D BISTRO AND CATERING, INC.,
24	DEFENDANT.
25	
26	ORLANDO GARCIA,
27	PLAINTIFF,
28	

Case No. 4:21-cv-1404-YGR

Case No. 4:21-cv-9303-YGR

Case No. 4:21-cv-3128-YGR

Case No. 4:21-cv-4843-YGR

Case No. 4:21-cv-5538-YGR

Case No. 4:21-cv-5935-YGR

ORDER TO SHOW CAUSE

TO PLAINTIFFS AND PLAINTIFFS' COUNSEL OF RECORD:

Plaintiffs and plaintiffs' counsel's prosecution of these cases have failed to comply with the deadlines set forth by General Order 56. The purpose of General Order 56 is to provide efficient and cost-effective procedures for parties to attempt to resolve genuine disputes arising

1 under the Americans with Disabilities Act (“ADA”). Failure to comply with those procedures
2 threatens to undermine the important civil rights claimed to be vindicated when scores of ADA
3 claims are filed without prosecution. Therefore, you are **HEREBY ORDERED TO SHOW CAUSE** in
4 writing no later than June 30, 2022, why this case should not be dismissed for failure to prosecute.
5 Failure to timely file a substantive written response will result in the case being dismissed.

6 **IN ADDITION**, Dennis Jay Price, II, Prathima Reddy Price, and Amanda Seabock are
7 **HEREBY ON NOTICE** that the Court is considering referring each to the Court’s Standing
8 Committee on Professional Conduct for their failure to prosecute cases. Not only are the judges in
9 the District questioning the propriety of the filing of thousands of lawsuits but, if filed, plaintiffs’
10 counsel are aware of the timing of this District’s General Order 56 and obligation to comply
11 therewith.

12 The law firm of Potter Handy is **HEREBY ORDERED TO SHOW CAUSE** in writing no later
13 than June 30, 2022, why the following cases should not be either dismissed for failure to prosecute
14 or a \$250.00 sanction be assessed for failure to comply with General Order 56 on each of the
15 following cases on the undersigned’s docket:

16 *Johnson v. Country Club Villa Shopping Center, LLC*, No. 4:21-cv-01404

17 *Johnson v. Zheng, et al.*, No. 4:21-cv-09303

18 *Johnson v. Tong & Tung Properties, LLC, et al.*, No. 4:21-cv-03128

19 *Johnson v. EK Food Services, Inc.*, No. 4:21-cv-04843

20 *Whitaker v. L & D Bistro and Catering, Inc.*, No. 4:21-cv-05538

21 *Garcia v. IPV Associates, LLC, et al.*, No. 4:21-cv-05935

22 This is not the first time that the undersigned has issued orders to show cause in cases involving
23 the above-mentioned counsel. Given the volume before the undersigned, it appears that counsel is
24 filing suits without the ability, capacity, or intention to comply with General Order 56 in a timely
25 manner.

26 **PLAINTIFFS AND COUNSEL ARE ADVISED** that a notice to voluntarily dismiss the case will
27 be deemed a concession that a \$250.00 sanction is appropriate as no good cause can support a
28 response. The sanction will thus be ordered.

1 **PLAINTIFFS AND COUNSEL ARE ADVISED** that a generic or bald reference to “good cause”
2 is insufficient. *Any response must be site specific with site specific details.*

3 **PLAINTIFFS AND COUNSEL ARE ADVISED** that this Court’s Standing Order in Civil Cases
4 has been revised and includes a requirement that any extensions of the deadlines reflected in
5 General Order 56 must be **sought no later than one week prior** to the deadline. Failure to
6 comply with the Standing Order may lead to monetary sanctions and the denial of any
7 unsupported request for an extension.

8 **IT IS SO ORDERED.**

9 Dated: June 22, 2022

10 
11 **YVONNE GONZALEZ ROGERS**
12 **UNITED STATES DISTRICT JUDGE**

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United States District Court
Northern District of California